

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GEOFFREY MILLER,

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

8:20CV311

**SECOND AMENDED FINAL
PROGRESSION ORDER**

THIS MATTER is before the Court on the parties' Joint Motion to Extend. ([Filing no. 369](#).) The motion is granted. Accordingly,

IT IS ORDERED that the provisions of the Court's previous final progression orders remain in effect, and in addition to those provisions, progression shall be amended as follows:

- 1) The Pretrial Conference remains as scheduled to be held before the undersigned magistrate judge on **April 21, 2022 at 10:00 a.m.** and will be conducted by video conferencing. Video conference instructions are found at [Filing No. 364](#).
- 2) The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to bazis@ned.uscourts.gov in Word format, **by 12:00 p.m. on April 18, 2022**.
- 3) The jury trial of this case remains as scheduled and is set to commence before Joseph F. Bataillon, Senior United States District Judge, in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **8:30 a.m. on May 16, 2022**, or as soon thereafter as the case may be called, for a duration of eight (8) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 4) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 5) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.
- 6) The expert deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **November 9, 2021**.

- 7) Discovery Limits: The parties agree that the following limits will apply to discovery going forward:
 - a) Each party is limited to serving 15 interrogatories on the opposing party; and
 - b) Each party is limited to 5 depositions of witnesses who have not already been deposed in *Harris v. Union Pacific Railroad Company*, case file no. 8:16-cv-00381.
- 8) The deadline for filing motions to dismiss and motions for summary judgment is **December 6, 2021**. The responding party will have until **January 3, 2022** to file their brief in opposition, after which the filing party will have until **January 14, 2022** to reply.
- 9) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **September 24, 2021**.
- 10) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 11) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 2nd day of September, 2021.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge